

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

NANCY OZEE, individually,)
and)
LEANNA DOUGLAS, as Next Friend of)
C.M., a minor,)
)
 Plaintiffs,)
)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

Cause No: 2:20-cv-04062-NKL

ORDER APPROVING WRONGFUL DEATH SETTLEMENT
INVOLVING A MINOR

On this 14th day of January, 2021, the above-referenced matter came on for hearing and approval before the Magistrate Judge as to the reasonableness of a wrongful death settlement between the United States of America, Nancy Ozee and C.M., a minor, through Leanna Douglas, as next friend. Plaintiff Nancy Ozee appeared on her own behalf and through her attorney of record. Doc. 28. Plaintiff C.M., a minor, appeared through her attorney of record and Leanna Douglas, as next friend. Defendant United States of America appeared through its attorney of record. The Magistrate Judge recommended the wrongful death settlement as contained in the Stipulation be approved. Doc. 29.

The complete and precise terms and conditions of the settlement are set forth in the Stipulation for Compromise and Release of Federal Tort Claims Act Pursuant to 28 U.S.C. § 2677 (hereinafter “Stipulation”) attached as Exhibit A to the parties’ Motion and Petition for Approval of Wrongful Death Settlement and Apportionment of Proceeds Involving Minor C.M.

and submitted confidentially by the parties as Exhibit B. The Court has reviewed the Stipulation and the Report and Recommendation of the Magistrate Judge. The Court is fully informed of the specifics of the full and final terms and conditions of the settlement, including necessity of the approval of the Attorney General of the United States. The Court finds that the terms and conditions of this settlement, as set forth in the Stipulation, are fair, reasonable and in the best interest of Plaintiffs Nancy Ozee and C.M., a minor.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Report and Recommendation of the Magistrate Judge is adopted, that the Motion and Petition for Approval of Wrongful Death Settlement and Apportionment of Proceeds Involving Minor C.M. is granted and approved, and that the settlement, as set forth in Exhibits A and B, is hereby approved.

IT IS FURTHER ORDERED that Leanna Douglas, as Parent of C.M., a minor, is authorized and required to sign the Stipulation and any other documents that are necessary to consummate this settlement on behalf of C.M., a minor, and to provide any information and documentation necessary to complete the funding of the Estate of C.M. in her capacity as conservator for the Estate of C.M.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the settlement amount of **seven hundred thousand dollars and 00/100 (\$700,000.00)** (hereinafter “Settlement Amount”) shall be distributed according to the terms and conditions of the Stipulation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that attorneys’ fees in this action shall not exceed twenty-five percent (25%) of the Settlement Amount paid by the United States and shall be paid as provided in the Stipulation. The Court finds that the pro rata share of the costs and expenses attributable to the United States and associated with the litigation are approximately \$12,870.27 in expenses and costs and that such costs and expenses are

fair, reasonable, and necessary.

IT IS FURTHER ORDERED that such costs and expenses are approved and are to be paid as provided in the Stipulation. The Court finds that Plaintiffs are legally responsible for any and all past, present, and future liens or claims for payment or reimbursement, including any liens or claims for payment or reimbursement by UMR, or healthcare providers. The Court hereby Orders Plaintiffs, by and through their attorney, to satisfy or resolve any and all such past, present, and future liens or claims for payment or reimbursement asserted by any individual or entity, including UMR, arising from the subject matter of this action. Plaintiffs, by and through their attorneys, are ordered to provide to the United States the information required by the Stipulation regarding the satisfaction or resolution of such liens or claims for payment or reimbursement within the time specified in said Stipulation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs, upon final execution of the Stipulation and upon receipt of the funds in the amounts set forth in Paragraph 2 of the Stipulation, shall cause their attorney to file with this Court a dismissal of this action in its entirety with prejudice, with each party bearing its own costs, expenses, and fees. Subject to the terms and conditions set forth in Paragraph 2 of the Stipulation, Plaintiffs' attorney shall distribute said funds directly to Nancy Ozee and to the Estate of C.M., and pay any currently known lien or claim for reimbursement or payment for which Plaintiffs have agreed to be legally responsible under the terms of the Stipulation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court shall not retain jurisdiction over the action against the United States or the settlement.

/s/Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: January 19, 2021
Jefferson City, Missouri